

ORV  
STATE OF MICHIGAN  
COUNTY OF MANISTEE  
TOWNSHIP OF MAPLE GROVE

ORDINANCE #17-2017

An ordinance to authorize and regulate the operation of Off Road Vehicles (ORV's) on the shoulders of roads in the Township of Maple Grove, to provide penalties for the violation thereof, to provide for the appropriation of fines and damages resulting from the operation of ORV's and to repeal all ordinances in conflict herewith.

THE TOWNSHIP OF MAPLE GROVE ORDAINS:

Sec. 1 As used in this Ordinance, the following definitions shall apply:

- a) "Township" means the Township of Maple Grove,
- b) "Drivers license" means an operator's or chauffeur's license or permit issued to an individual by the Secretary of State under Chapter III of the Michigan Vehicle Code, 1949 PA 300, MCL 257.301 to 257.329, for that individual to operate a vehicle, whether or not conditions are attached to the license or permit.
- c) "Operate" means to ride in or on, and be in actual physical control of an ORV.
- d) "Operator" means a person who operates or is in actual physical control of and ORV.
- e) "ORV" means a motor-driven recreation vehicle designed for off-road use and capable of cross-country travel without benefit of a road or trail, on or immediately over land, snow, ice, marsh, swamped, or other natural terrain. ORV includes, but is not limited to, a multi-track or multi-wheel drive vehicle, 3-wheel, or 4-wheel vehicle, an amphibious machine, golf carts, an ATV as defined in section 81101 of the Natural Resources and Environments Protection Act, 1994 PA 451, MCL 324.81101, or other means of transportation deriving motive power from a source other than muscle or wind. ORV does not include a vehicle described in this definition that is registered for use upon a public highway and has the security required by law.
- f) "Road" means a major road or minor local road of the Township as the same may be designated from time to time by the Township Board, EXCLUDING all private roads, private property, open private property, seasonal roads and State of Michigan and United States land.
- g) "Safety Certificate" means a certificate issued pursuant to 1994 PA 451 as amended, MCL 324.81129, or comparable ORV safety certificate issued under the authority of another state or province of Canada.

h) "Visual Supervision" means the direct observation of the operator with the unaided or normally corrected eye, where the observer is able to come to the immediate aid of the operator.

Sec. 2 Subject to the regulations of this Ordinance and part 811 of the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.81101, and ORV may be operated on the far right of the maintained portion of any road within the Township of Maple Grove.

Sec. 3 An ORV may not be operated on the road surface, road way, shoulder or right-of-way of any state or federal highway in the Township of Maple Grove closed to ORV use by the Manistee County Road Commission.

Sec 4 An ORV traveling on a road in the Township of Maple Grove shall meet all of the following conditions, in addition to any others that may be imposed by law;

- a) Shall travel at a speed of no more that twenty (20) miles per hour or a lower speed limit and not more than ten (10) mile per hour when within two hundred (200) feet of a driveway, residence or pedestrian.
- b) Shall be operated by a person not less than Sixteen (16) years of age who has in his or her possession a validly issued drivers license.
- c) Shall travel on the extreme right hand portion of the traveled part of the road, giving way to other vehicles.
- d) Shall be operated in a manner that does not interfere with traffic on the road.
- e) Shall travel in single file except when overtaking and passing another ORV.
- f) Shall not travel on a road when visibility is substantially reduced due to weather conditions unless displaying a lighted headlight and lighted taillight.
- g) Shall be equipped with a throttle so designed that when the pressure used to advance the throttle is removed, the engine speed will immediately and automatically return to idle.
- h) Shall be equipped with a spark arrester type, United States Forest Service approved muffler in good working order and in constant operation.
- i) Shall observe all noise emission standards defined by law.
- j) Shall be equipped with brakes.
- k) Shall be equipped with reflector material on the side of each vehicle.
- l) Shall have a "Slow Moving Vehicle" sign on all ORV's without lights.

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Sec 5. A child less than 16 years of age shall NOT permit to operate an ORV on a road in the Township of Maple Grove unless accompanied by a parent or legal guardian.

Sec 6. Unless a person possesses a valid driver's license, a person shall not operate an ORV on a road in the Township of Maple Grove if the ORV is registered as a motor vehicle and is either more than 60 inches wide or has three (3) wheels.

Sec 7. Any person who violates this ordinance is guilty of a municipal civil infraction and may be ordered to pay a civil fine of not more than \$500.00, plus reasonable attorney fees.

In addition, a court may order a person who causes damage to the environment, a road or other property as a result of the operation of an ORV to pay full restitution for that damage above and beyond the penalties paid for civil fines.

Sec 8. This ordinance may be enforced by an Sheriff and/or Deputy of the Manistee County Sheriffs Department, and any officer of the Michigan State Police, and the Maple Grove Township Zoning Administrator, who are hereby authorized to issue civil infraction citations to anyone in violation of this ordinance.

Sec 9. The Township Treasurer shall deposit all fines and damages collected under this Ordinance in a fund to be designated as the "ORV Fund". The Township Board shall appropriate revenue in the ORV Fund as follows:

- a) Fifty percent to the Township Street Fund for repairing damage to roads and the environment that may have been caused by an ORV and for posting signs indicating ORV speed limits, or indicating whether roads are open or closed to the operation of an ORV.
- b) Fifty percent to the Manistee County Sheriff for ORV enforcement and training.

Sec 10. This ordinance becomes effective within 24 hours following its adoption and publication as required by law.

Sec 11 All ordinances or parts of ordinances in conflict herewith are repealed to the extent of the conflict.

Trustees voting "Aye": 4

Trustees voting "Nay": 0

Trustees absent or abstaining: 1

RESOLUTION DECLARED PASSED

  
TOWNSHIP CLERK